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NXP, B.V.
NXP INTELLECTUAL PROPERTY DEPARTMENT
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE, CA 95131

EXAMINER

FUTEL, GAYLA S

ART UNIT	PAPER NUMBER
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2609

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/564,239

Applicant(s)

GANZERA ET AL.

Examiner

Gayla Futel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-10 is/are rejected.
- 7) ☒ Claim(s) 5, 11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 01/11/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1³ and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Berger et al. (US Patent No. 6,198,382).

3. Regarding claim 1, Berger et al. teaches a circuit for a data carrier,
-which circuit has terminals for connection to at least part of a contact interface (Fig. 1, #4) via which contact interface a circuit part of the circuit can be supplied with electrical energy (Col. 5, lines 27-31), and

-which circuit has the circuit part, which circuit part is designed to process data signals in a normal-consumption processing mode and in an energy-saving processing mode in which less energy is required than in normal-consumption processing mode (Col. 6, lines 42-49), and which circuit part can be switched into the energy-saving processing mode when energy is being supplied via the contact interface and which circuit part can be switched, with the aid of a first mode change signal that can be fed thereto, from the energy-saving processing mode into the normal-consumption processing mode (Col. 6, lines 60-64), and

-which circuit has terminals for connection to at least part of a contactless interface (**Fig. 1, #10, 11**) via which contactless interface a carrier signal can be received by the circuit (**Col. 5, lines 37-43**) and

-which circuit has mode change signal generation means (**Fig. 1, #25**) which are connected to the contactless interface and the circuit part and are designed to detect receipt of the carrier signal via the contactless interface and, upon detection of the receipt of the carrier signal, to generate the first mode change signal and output the generated first mode change signal (**Fig. 1, #26**) to the circuit part (**Col. 6, line 64-Col. 7, line 1**).

4. Regarding claim 7, Berger et al. teaches a method of changing a processing mode of a circuit for a data carrier which circuit has terminals for connection to at least part of a contact interface (**Fig. 1, #4**) and terminals for connection to at least part of a contactless interface (**Fig. 1, #10, 11**) via which contact interface a circuit part of the circuit can be supplied with electrical energy, which circuit part is used, when energy is being supplied via the contact interface, to process data signals in a normal-consumption processing mode and in an energy-saving processing mode in which less energy is required than in the normal-consumption processing mode, and which circuit part can be switched into an energy-saving processing mode when energy is being supplied via the contact interface (**Col. 6, lines 42-49**) and which circuit part can be switched, with the aid of a first mode change signal that can be fed thereto, from the energy-saving processing mode into the normal-consumption processing mode (**Col. 6, lines 60-64**), which method comprises the following method steps, namely

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- receipt of a carrier signal via the contactless interface and
- detection of the receipt of the carrier signal and
- generation of the first mode change signal upon detection of the receipt of the carrier signal and
- outputting of the generated first mode change signal to the circuit part (**Col. 6, line 64-Col. 7, line 1**).

5. Regarding claims 3 and 7, Berger et al. teaches the circuit for a data carrier and method of changing a processing mode of a circuit for a data carrier of claims 1 and 7 as stated above. Berger et al. further teaches the mode change signal generation means having an interrupt signal generation stage, which is designed, as a result of receipt of the carrier signal being detected to generate an interrupt signal that represents the first mode change signal. Berger et al. teaches the data processing means (**Fig. 1, #7**) has a normal-energy activating means (**Fig. 1, #21**) that is formed by an interrupt stage (**Col. 6, lines 34-35**). The normal-energy activating means changes the energy mode between normal-energy and energy-saving mode (**Col. 6, lines 42-50**). Since the activating mean is formed by an interrupt stage, then the mode-changing signal must also be the interrupt signal from an interrupt signal generation stage.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berger et al. (US Patent No. 6,198,382) in view of Hikita et al. (US PG Publication 2003/0066895).

8. Regarding claims 2 and 8, Berger et al. teaches the circuit for a data carrier and method of changing a processing mode of a circuit for a data carrier of claims 1 and 7 as stated above. However, Berger et al. fails to teach the mode generation means has a carrier frequency detection stage, to which the received carrier signal can be fed, and are designed taking in account of the frequency of the received carrier signal to detect receipt of the carrier signal and to generated and output an indicator signal which indicates that receipt of the carrier signal has been detected. Hikita et al. teaches a frequency detector (**Fig. 3, #7**) that detects the reception of a wave based on frequency (**Paragraph 62, lines 4-6**) and send a control signal to the address selecting circuit (**Paragraph 64, lines 1-3**). The address selecting circuit provides control information to a data region (**Fig. 3, B2**). It would have been obvious to one of ordinary skill in the art to use the frequency detector and address selecting circuit of Hikita et al. with the memory means located in the transponder of Berger et al. The motivation being the frequency detector and address selecting circuit would provide access control and not allow the control means of Berger (**Fig. 1, #25**) to be changed unless a particular frequency was used.

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9. Claim 4, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berger et al. (US Patent No. 6,198,382) in view of Thuringer et al. (US Patent No. 6,364,207).

10. Regarding claims 4 and 10, Berger et al. teaches the circuit for a data carrier and the method of changing a processing mode of a circuit for a data carrier of claims 1 and 7 as stated above. However, Berger et al. fails to teach the circuit part with the aid of a second mode change signal that can be fed thereto, is designed to change in a switchable manner from the normal-consumption processing mode to the energy-saving processing mode, and wherein the mode change signal generation means are designed to detect a receive status change from receiving the carrier signal to not receiving the carrier signal and, upon detection of this receive status change, to generate and output the second mode change signal. Thuringer et al. teaches a logic means (**Fig. 1, #82**) within a circuit for a data carrier that detects the absence of a signal from the contact interface (**Col. 14, line 10-15**). Upon detecting the presence of the contact interface information the logic means produces mode-setting information (**Col. 14, lines 30-34**) and switching control information (**Col. 14, lines 35-38**). It would have been obvious to one of ordinary skill in the art to use the logic means of Thuringer et al. as the mode change signal generation means because the logic means would only change modes when the receive status changes and therefore prohibit the data carrier circuit from prematurely entering energy-saving mode.

11. Regarding claim 6, Berger et al. teaches the circuit for a data carrier of claim 1 as stated above. However, Berger et al. does not explicitly teach that the circuit was within

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a data carrier. Thuringer et al. teaches a data carrier (**Fig. 1, #1**) with a data carrier circuit (**Fig. 1, #1A**). It would have been obvious to one of ordinary skill in the art to use the circuit for a data carrier of Berger et al. in the data carrier of Thuringer et al. because the circuit for a data carrier of Berger et al. would consume less power.

Allowable Subject Matter

12. Claims 5 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Cernusca et al. (US Patent No. 6,671,493)
- Zettler (US Patent No. 6,597,893)
- Eber et al. (US Patent No. 6,831,548)
- Timm et al (US Patent No. 6,827,278)


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gayla Futel whose telephone number is 571-270-3008. The examiner can normally be reached on Mon-Thur 7:00 am - 5 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GF


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600